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Research report

December 2018

**Exploring perceived opportunities and
challenges of Participation Requests in Scotland**

Dr Evgeniya Plotnikova and Dr Hayley Bennett



What Works Scotland (WWS) aims to improve the way local areas in Scotland use evidence to make decisions about public service development and reform.

We are working with Community Planning Partnerships involved in the design and delivery of public services (Aberdeenshire, Fife, Glasgow and West Dunbartonshire) to:

- learn what is and what isn't working in their local area
- encourage collaborative learning with a range of local authority, business, public sector and community partners
- better understand what effective policy interventions and effective services look like
- promote the use of evidence in planning and service delivery
- help organisations get the skills and knowledge they need to use and interpret evidence
- create case studies for wider sharing and sustainability

A further nine areas are working with us to enhance learning, comparison and sharing. We will also link with international partners to effectively compare how public services are delivered here in Scotland and elsewhere. During the programme, we will scale up and share more widely with all local authority areas across Scotland.

WWS brings together the Universities of Glasgow and Edinburgh, other academics across Scotland, with partners from a range of local authorities and:

- Glasgow Centre for Population Health
- Improvement Service
- Inspiring Scotland
- IRISS (Institution for Research and Innovation in Social Services)
- NHS Education for Scotland
- NHS Health Scotland
- NHS Health Improvement for Scotland
- Scottish Community Development Centre
- SCVO (Scottish Council for Voluntary Organisations)

This is one of a series of papers published by What Works Scotland to share evidence, learning and ideas about public service reform. This paper relates to the What Works Scotland community engagement, capacity building and participation workstreams.

What Works Scotland is funded by the Economic and Social Research Council and the Scottish Government www.whatworksscotland.ac.uk

The research team

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the role of third sector organisations and civil society in anti-poverty initiatives. For What Works Scotland she has also focussed on co-producing action research with a Community Planning partner, public service reform, and collaborative research approaches.

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Summary

The Scottish Government introduced a new process for community engagement, known as Participation Requests (PRs) and outlined in Part 3 of the Community Empowerment (Scotland) Act 2015 (the Act). Participation Requests are a legal tool with a prescribed application process that public sector bodies have to understand and implement to enable community bodies to engage in decision-making processes. Such policy tools and arrangements to increase the involvement of non-state actors, i.e. third sector organisations and less formal community groups, in policy making and decision making are not new. There is a wide body of literature exploring the design and effectiveness of different approaches, as well as the new power dynamics that such policy tools bring in the relationship between state and non-state actors (Young 2000; Najam 2000; Carmel and Harlock 2008; Billis 2010; Alcock 2012). Participation Requests demonstrate one mechanism through which the state could change existing relations to improve the engagement and involvement of non-state organisations in local decision making. As such, as the Participation Request mechanism came into being in April 2017, we asked, “How do different actors perceive this mechanism? Do people see this as a way to affect existing power relations?” Building on these broad questions, we narrowed down our research scope to the following question:

How do key stakeholders and potential users of the Participation Request mechanism articulate and frame the challenges and opportunities associated with the process?

The purpose for this research is gain a better understanding of how different actors perceive and use (or not) the process and highlight some key reflections regarding the early experiences around Participation Requests. This research informs policy and professional practice in implementation and evaluation of this policy tool.

To address our research question, we used the following data collection methods:

- First, we analysed the submissions to the Scottish Government’s official consultation on Participation Requests (March – June 2016)¹.
- Second, we drew on secondary data collected as part of the wider What Works Scotland project by analysing the notes taken at a session on PRs at the Community Planning Managers Network meeting (April 2017).
- Third, we conducted qualitative interviews with stakeholders in the Scottish Government, local authorities, and third sector organisations (December 2017 – January 2018).

¹ Community Empowerment (Scotland) Act 2015 – Participation Requests: Consultation on Draft Regulations. Published responses: https://consult.gov.scot/community-empowerment-unit/participation-request-regulations/consultation/published_select_respondent

- Finally, we generated new data by adding a specific question to the What Works Scotland 2018 Community Planning Officials Survey² on the subject of Participation Requests (May – July 2018).

We find:

- There is evidence of ongoing engagement with the Participation Request mechanism.
- The overall perception of Part 3 of the Act (Participation Requests) is positive, however, there are some scepticisms and ambiguities in how public service authorities and community organisations perceive the proposed process.
- There are positive expectations as some respondents perceived the PR process as encouraging community's proactive involvement in the decision-making process on public services, and thus contributing to improving the design and delivery of public services.
- The primary concerns about Participation Requests are associated with the implementation of this mechanism. The key challenges mentioned are insufficient resources and lack of familiarity with the new mechanism across all stakeholders, and sometimes a reluctance to engage with this new process.
- There are also references to unintended consequences that the design of the Participation Requests process could enhance the existing inequalities between well-established community organisations and less formal community groups, and create tensions between public service authorities and community bodies.

Research participants offered suggestions to address some of these issues. These include:

- Organising events and activities to share experiences in submission of PRs.
- Creating a national independent and community-led resource centre providing support to communities in preparing PRs and beyond.
- Learning and translating successful experiences, where relevant and feasible, from implementation of other tools of community empowerment (i.e. Asset Transfer Requests and Participatory Budgeting).

In our reflections, we note three key issues:

1. There is an interest in Participation Requests on both sides; public sector bodies are gaining momentum on understanding the process, embedding into their existing community engagement activities, and sharing information with community bodies.
2. There are differing views and framings of the Participation Requests in terms of its use/role as a community engagement tool. There are instances where stakeholders frame Participation Requests as a last resort or as a sign of engagement failure. As such, there is a need to consider how best to measure and report on successful implementation in the future, which

² Weakley, S., & O. Escobar. (2018). Community Planning after the Community Empowerment Act. Edinburgh: What Works Scotland.

needs to go beyond looking at headline numbers of Participation Requests in localities and organisations, to a more holistic understanding of Participation Requests as one tool within a broader range of community engagement and empowerment provisions in each locality. In short, a low number of Participation Requests does not necessarily indicate a low level of community engagement. Similarly, we should not identify a high number of Participation Requests as indicative of a high level of community engagement (as community bodies may only be using this legal mechanism if they experience exclusion in other areas of decision-making).

3. We conclude that the provision of legal rights is a fundamental stepping stone in the process of community empowerment. To ensure the uptake of these rights and successful engagement with the aligned mechanisms, especially by less formal and/or vulnerable community groups, a programme of related activities supporting this process is instrumental. One way to insure the sustainability and continuity of such activities, i.e. awareness-raising sessions, and more practical and interactive workshops on learning and sharing experiences with preparation, submission, and implementation of PRs, would be creating a national community resource centre – a focal point to support communities with the PRs process and possibly other routes for community engagement. This resource centre could also become an education and training platform for community organisers and facilitators who can help with the translation of the complexities associated with terminology and procedural requirements of the Participation Requests process³. Questions should be considered in relation to this proposal: i) how this centre will relate to already existing practices and activities that promote and support community engagement? ii) what would be an effective and feasible organisational format for such a centre? iii) what institutional and financial resources could be accumulated? iv) whether and how community anchor organisations, third sector interfaces, and other local, national and regional bodies could support this initiative.

³ On barriers to community inclusion and participation see Lightbody, Escobar, and Morton 2017 .

Introduction

The purpose of this research report is to reveal how different actors perceive the PRs mechanism, and what opportunities and challenges are associated with its implementation.

The audience for this report is:

- Scottish Government policy makers working on or interested in the Community Empowerment (Scotland) Act 2015, community engagement, and empowerment approaches.
- Public sector bodies engaged in implementing Participation Requests
- Community groups and third sector organisations seeking to engage in decision making processes
- Researchers exploring policy tools and/or relations between state and non-state organisations.

Research focus: Community Empowerment (Scotland) Act 2015 and Participation Requests

In 2015 the Scottish Government introduced the Community Empowerment (Scotland) Act 2015⁴ (CEA). The new legislation seeks to encourage community involvement and participation in public services. It is a legal framework that creates new rights for what the Scottish Government terms as “community bodies”⁵. The act places new duties on public authorities and offers the possibility for reforming power relations and increasing participation. The Act contains 11 sections including a number of important changes regarding the processes of creating local public policies and plans, and the ownership of land and properties. Some examples include imposing a duty on Community Planning Partnerships to involve community bodies at all stages of community planning (Part 2 of the CEA), granting community bodies a legal right to make a request to public service authority to participate in improving the outcome of a public service (Part 3), and allowing community bodies to make a request to buy, lease, manage, occupy or use land or buildings owned or leased by public sector authorities (Part 5).

Our research focuses on one specific policy tool introduced in the Community Empowerment Act; Participation Requests. According to Scottish Government (2016), “Participation requests will allow a community body to enter into dialogue with public authorities about local issues and local services on their terms”. The Scottish Government anticipates that the introduction of this process has the

⁴ Further information can be found in the SCDC guide to the Community Empowerment Act: <https://www.scdc.org.uk/news/article/scdc-briefing-on-community-empowerment-scotland-act?rq=community%20empowerment%20act>

⁵ ‘bodies, whether or not formally constituted, established for purposes which consist of or include that of promoting or improving the interests of any communities’ (see Part 2 section 4(9) of the Community Empowerment (Scotland) Act 2015. Available at: http://www.legislation.gov.uk/asp/2015/6/pdfs/asp_20150006_en.pdf

potential to change the existing decision-making processes at the local level and involve a wider variety of stakeholders and communities.

“Where a community body believes it could help to improve an outcome which is delivered by a public service, it will be able to request to part in a process with the public service authority to improve that outcome. This could include suggesting how service providers could better meet the needs of users, offering volunteers to support a service or even proposing the community body could take over the delivery of the service themselves.”

(Scottish Government 2017c)

The important change from the existing system is that, once a community body has made a formal request to participate, the public body must agree to the request and set up a process to enable involvement (unless there are reasonable grounds for refusal). At the end of the process, the public body must publish a report on whether the outcomes were improved and how the community body contributed to that improvement. The Scottish Government produced guidance on Participation Requests in April 2017 and in the latter half of 2017 local authorities and community planning partnerships began to explore and introduce local policies and procedures for embedding the PR processes. To support these processes, the Scottish Community Development Centre (SCDC) developed a Summary Guidance on Participation Requests, organised and led a series of awareness raising events, research and training activities (Scottish Community Development Centre 2017; Paterson, 2018).

Wider policy context: Increasing participation in local democracy and decision-making

The Scottish Government has introduced Participation Requests as one tool within a wide range of reforms and changes to community engagement and involvement in policy making processes in Scotland. This section provides a brief overview of the context in which Participation Requests are situated.

In recent years, the Scottish Government has placed an increasing emphasis on partnership working, collaboration, and working across traditional organisational boundaries. There is a growing emphasis on the role of non-public agencies and reshaping the relationships between state agencies and communities and citizens.

“The success and the wellbeing of our communities, is rooted in the strength of our relationship and partnerships with local government as well as drawing on the capacities, expertise and commitment of those people and organisations delivering critical services across the public, private and third sectors.”

(Scottish Government 2018)

As part of this approach, policymakers are pushing forward reforms that seek to increase participation of citizens and community groups in decision-making processes. In the Scottish context,

participatory and collaborative approaches underpin a wide programme of public service reform and policy tools.

The following section provides a short recap of key policy areas:

Christie Commission

In 2011, the Scottish Government set up the Commission on the Future Delivery of Public Services (the 'Christie Commission') to inform future policymaking and public service reform. The Commission stated that, "the public service system is often fragmented, complex and opaque, hampering the joint working between organisations which we consider to be essential", and will require a "fundamental overhaul of relationships within and between those institutions and agencies – public, third sector and private – responsible for designing and delivering public services" (Commission on the Future Delivery of Public Services 2011). The Christie report emphasised that working in partnership goes beyond the collaboration between agencies at local level and should include local communities, stressing the importance of engaging with communities, integrating services, and increasing the role of the third sector in the delivery of public services (Alcock 2012; Matthews 2014).

Community planning

Scottish Government policy is based on the position that, "better community engagement and participation leads to the delivery of better, more responsive services and better outcomes for communities."⁶ Putting this view into practice is primarily the responsibility of community planning partnerships (CPPs). The Local Government in Scotland Act 2003 made it a statutory requirement to establish CPPs in all 32 local authority areas. Early statutory guidance indicated that CPPs should become the overarching partnership and means to coordinate initiatives within a locality. In 2007, The Scottish Government introduced reforms that made CPPs accountable for the delivery of services through single outcome agreements (SOAs), which were aligned to a National Performance Framework (NPF). Each SOA involved 16 national outcomes. The community planning governance arrangement also included the establishment of new third sector interfaces to act as a formal point of contact between the collective representatives of the local third sector and local government (Alcock 2012). Through this process the Scottish Government "increased the role of community planning in coordinating, delivering and reforming local services, reinforcing the centrality of strategic partnership working in local governance" (Matthews 2014: 452).

The Scottish Government introduced a number of changes in 2015 through the introduction of the aforementioned Community Empowerment (Scotland) Act 2015. The Act makes substantial changes to existing community planning legislation and requires CPPs to create a Local Outcomes Improvement Plan (LOIP), which sets out priorities and outcomes, identifies smaller areas within the local authority area that experience the poorest outcomes and agrees priorities to improve outcomes in these areas. The Act requires CPPs to review and report publicly on progress towards

⁶ <https://beta.gov.scot/policies/community-empowerment/>

LOIPs and locality plans. The recent revisions to community planning also expanded the number of public sector bodies required to participate in community planning, for example including the new health and social care integration joint boards. Echoing earlier ambitions for community planning, the Act places specific duties on community planning partners, including a requirement to co-operate with other partners in carrying out community planning and contributing funds and resources as appropriate to improve local outcomes in the LOIP.

Participatory initiatives

Across a range of wider policy reforms (such as those highlighted above) and specific initiatives, the Scottish Government has sought to mainstream community engagement into local policymaking (Scottish Executive 2004; Sinclair 2008; Mitchell 2015). The Scottish Government continues to introduce initiatives that seek to increase participation and encourage the greater involvement of community groups. It is within this context that Participation Requests act as one tool within a wider participatory tool box. Some examples include:

- [Participatory Budgeting](#): a process that involves citizens in deciding collectively how to spend public money.⁷
- [Empowering Communities Fund](#): a Scottish Government Fund investing in community-led regeneration programmes and community organisations that deliver activities and services in their communities.⁸
- [Asset transfer](#): a right for community bodies to make requests to various public bodies for any land or buildings they could make better use of.⁹
- [National Standards for Community Engagement](#): good practice principles designed to support and inform the process of community engagement.¹⁰

Collectively, such policy reforms suggest a shift away from traditional ideas of government (and state led governing of citizens) to a more collaborative and participatory style of governance. According to Rolfe (2018:3), “from the perspective of communities, the shift from government to governance can be viewed as an opportunity to gain power in new participation spaces which offer chances to influence public services and address local issues”. Yet, for others, there are concerns regarding the state’s choice of policy tools and the extent of power sharing (Capano and Lippi 2016). As such, it is important to explore *how* policy makers, public service workers, and community groups, understand and implement reforms such as the Community Empowerment Act and Participation Requests.

⁷ <http://whatworksscotland.ac.uk/publications/hope-for-democracy-participatory-budgeting-in-scotland/>

⁸ <https://www.gov.scot/policies/community-empowerment/>

⁹ <https://www.gov.scot/policies/community-empowerment/asset-transfer/>

¹⁰ <http://www.voicescotland.org.uk/>

Research aim and methodology

This research report explores initial responses, experiences and emerging practices around Participation Requests (PRs). We ask:

How do key stakeholders and potential users of the Participation Request mechanism articulate and frame the challenges and opportunities associated with the process?

Data collection

To answer this question, we used a number of sources and data representing perceptions of Part 3 of the Act (Participation Requests) preceding and succeeding its introduction in April 2017. This included submissions to the Scottish Government's consultation on participation requests (Scottish Government 2016), notes from a Community Planning Network meeting (Escobar 2017), responses to the Community Planning Officials' survey (Weakley and Escobar 2018), and qualitative interviews with officers from Scottish Government, local authorities, third sector and community organisations.

1. As a starting point we engaged with **102 responses to the public consultation on PRs** that took place between 21 March 2016 and 22 June 2016 (Scottish Government 2017d). ¹¹ The aim of this analysis was to identify the crosscutting themes and also distinctive topics that emerged in the consultation responses before the introduction of PRs, i.e. respondents' perceptions of the mechanism, and what concerns and opportunities were associated with its future implementation.
2. Other sources we included in our analysis were **meeting notes from the Community Planning network event** in April 2017 (Escobar 2017). Participants of this session, namely **61 community planning officials** (managers and officers), provided their comments regarding what they considered to be the opportunities, challenges and potential solutions pertaining to PRs.
3. These themes were further investigated in the survey of community planning officials undertaken by What Works Scotland researchers in 2018 (Weakley and Escobar 2018). The main purpose of this survey was to examine the views of community planning officials on issues around community engagement and community planning. We added an additional section on PRs where the researchers invited respondents to articulate their perceptions of

¹¹ To inform our research rationale and methodology, we engaged with the government report on this consultation (Scottish Government 2017a). This report analyses responses to specific consultation questions including procedural issues, i.e. 'if a statutory form should be required in the regulations', 'what information might a statutory form include', 'timescale to respond and making a decision', etc. In our analysis we focused on the broader themes, such as how opportunities and barriers to participation and implementation of PRs were articulated across responses to these consultation questions prior to the introduction of Part 3 of the CEA.

PRs and reflect on their involvement in this process. Overall, **74 participants of this survey** engaged with PRs questions (see Annex 1).

4. Finally, to obtain more detailed accounts on PRs, between December 2017 and January 2018, we conducted **eight in-depth telephone and face-to-face interviews** with stakeholders in the Scottish Government, local authorities, third sector and community organisations, including national community development agencies, community sector membership and local bodies, with the aim of identifying expectations, initial experiences, and practice development around implementation of this new mechanism.

Methodological considerations

We conducted this research in line with requirements of the University of Edinburgh ethical review process. We distributed research information sheets and consent forms to all interview respondents before the data collection took place. This documentation informed participants about the purpose of the research and the data management strategy adopted in the project.

We briefly highlight some methodological limitations and reflections here. First, in our analysis we attempted to collate various sources and types of data that were available at the time of this research. So, we included data that was produced before and after the introduction of Participation Requests in April 2017. However, it wasn't our primary goal to present a comparative analysis of perceptions that were articulated at various points of time. Moreover, in this context, it would not be methodologically appropriate to analyse comparatively results coming from various sources and types of data. The purpose of our research is to emphasise concerns about PRs that emerged across all data sources, pre- and post- introduction of Part 3 of the CEA. Second, we collected most of our primary data within the first six months after Part 3 (Participation Requests) of the Community Empowerment (Scotland) Act 2015 came into force in April 2017. As indicated by some of our interviewees, there was not enough time for practices to develop. Therefore, most of our data presents perceptions of Participation Requests as a statutory tool rather than experiences of how this tool has been implemented in practice. Finally, the purpose of our research is exploratory. It was conducted to identify some re-emerging concerns about Participation Requests (after this legislation came into force in April 2017), rather than to produce data that was representative of the whole community of public service authorities, third sector organisations, and other potential users of this process. As intended, our exploratory research here provides insight and direction for others to undertake future research, evaluation, or action.

Findings

This section presents the key research findings, structured as four themes:

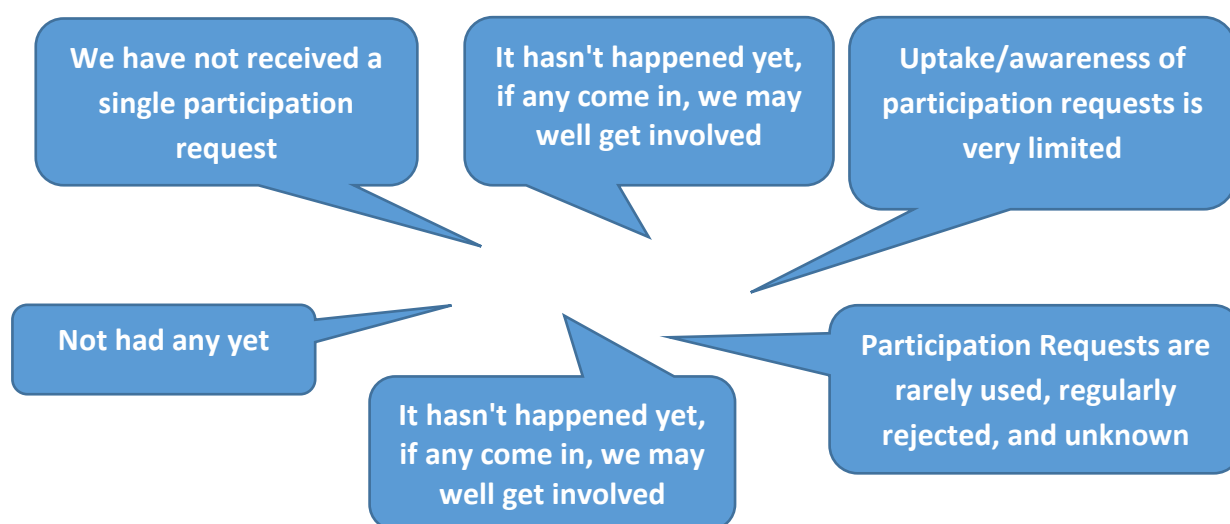
1. Current practice
2. Perceptions of the PR mechanism
3. Emerging opportunities and challenges

4. Suggestions for improving the practice of PRs.

1. Current practice

At the time of our research, between July 2017 and January 2018, there was no official data on the number of submitted Participation Requests and only a few examples mentioned in our interviews¹².

Findings from the What Works Scotland survey of Community Planning Officials (CPOs) conducted in July 2018 (Escobar and Weakley 2018) pointed to the awareness of the PRs mechanism. For instance, almost half (46%) of respondents, i.e. community planning officers and managers, said they are involved in implementing or supporting Participation Requests. However, the majority of those survey respondents who are involved in PRs said that none of their time was dedicated to that work. When further prompted to reflect on the contribution of the PRs mechanism to achieving better outcomes in community planning, the majority of CPOs (79%) responded either 'Too early to say' (58%) or 'Don't know' (21%). When participants were invited to further reflect on the PRs process, the dominant theme emerging in their responses was that the implementation of the Participation Requests mechanism was in its early stage (see below).



This indication of only emerging practices around PRs also appeared in our interviews. For instance, one of our respondents noted that the uptake of PRs is rather moderate as compared to other parts of the CEA:

"We haven't had any requests applications for participation requests yet. Most of the work has been focused on supporting community groups on the asset transfer process."

(Interview with local authority officer – 1)

¹² More recent research by colleagues from Glasgow Caledonian University revealed that by the end of March 2018, there were 19 participation requests acknowledged by Public Service Authorities in their annual reports (Hill O'Connor and Steiner 2018). As reported by the Scottish Community Development Centre (SCDC), up to July 2018 there were 25 participation requests (Paterson 2018).

There were also examples in our data when respondents confused the PRs mechanism with other community empowerment practices and tools, i.e. community asset transfer and participatory budgeting.

“There is only one request that has gone all the way through to the end and the asset is now in community hands.”

(CPOs survey 2018, response-10)

“Participatory budgeting has been rolled out ... and is led by our Vibrant Communities service.”

(CPOs survey 2018, response-5)

2. Perceptions of the PRs mechanism

Overall, respondents welcomed the introduction of Part 3 (Participation Requests) of the Community Empowerment (Scotland) Act 2015 seeing it as a positive development. This understanding was clearly articulated in submissions to the government consultation and in the interview data. For example, one local authority officer stated:

“We see it as a positive development. When we go out with our community engagement strategy, we will be positively promoting the participation requests as an opportunity for local groups to be more involved in design and delivery of services rather than seeing it as a threat.”

(Interview with local authority officer – 1)

An interest and support for the general principle and opportunity that PRs represent was also reflected in the interviews with third sector organisations.

“PRs are a lot about the communities taking the initiative and do things that they are interested in.”

(Interview with third sector organisation – 3)

As stated in the Government guidance on participation requests:

“PRs are designed to help groups highlight community needs and issues, and become involved in change or improvement.”

It is further clarified that PRs:

“are not intended to replace good quality existing community engagement or participation processes but are rather designed to complement and enhance them.”

(Scottish Government 2017b)

This understanding of PRs chimes with users’ perceptions. For instance, two quotes below from the interviews with local authority officers demonstrate that PRs are seen as an element of a ‘bigger

process', i.e. the government commitment to developing community-led public services and strengthening community participation. The status of the PRs mechanism is recognised as a new tool among other already existing practices of community engagement, i.e. Participatory Budgeting, Local Outcomes Improvement Plans, Asset Transfer Requests (ATRs) and other less formal ways of engaging with communities.

"I very much see the PRs as a part of the broad spectrum. There are other routes for communities to be part of that process [community engagement]."

(Interview with local authority officer – 2)

"We would see that the option for community bodies to use the participation request mechanism is just another tool, another potential approach that they could take and that would sit alongside other tools like participatory budgeting or involvement in the development of the neighbourhood plan."

(Interview with local authority officer – 1)

Particular functions of this new mechanism were articulated in our data as follows. First, research participants identified the purpose of the PRs mechanism as sending a message that the government and public service authorities are willing to start a dialogue with local communities.

"It sends a strong message to communities that we are willing to start a dialogue with local communities about anything they feel matters to them."

(Interview with local authority officer – 1)

Second, PRs are understood as a formal mechanism that offers a legal framework, as stated by one of the local authority officials:

"It does provide the communities with a formal mechanism in which to participate."

(Interview with local authority officer – 2)

Other interviewees reiterated this perception, however, also demonstrating scepticism about the realisation of this legal right (see section 3. Emerging opportunities and challenges).

Finally, some stakeholders, particularly public sector authorities, highlighted an interesting perspective regarding the implementation and use of PRs within the context of successful community engagement. From our analysis of the government consultation data, we can see that some respondents, believe that the need for community bodies to submit PRs indicates a failure to proactively engage with communities via other less formal processes. For example:

"There is a view that if a community organisation or group of service users feel that they must submit a formal Participation Request to have their views taken into account, then the public authority has been ineffective in its existing processes for community engagement and service user involvement."

(North Lanarkshire Council: submission to government consultation, 2016)

Similarly, from analysis of our survey data we found that some respondents believe PRs should be used primarily as a ‘last resort’ – a legal safeguard for communities when other participatory mechanisms fail.

“If organisational and partnership approaches are effective, then Participation Requests merely need to provide a safety net if this isn't the case.”

(CPOs survey, 2018 response-7)

This framing of the PR mechanism (as a sign of engagement failure) implies that *where* there is a productive engagement with communities on a daily basis, there may be no need to use formal routes such as the PRs mechanism. However, it may also indicate a reluctance of some public service authorities to consider this new mechanism as a ‘normal’ way to engage with communities. Some possible reasons for this reluctance are offered in the following section.

3. Emerging opportunities and challenges

Public service authorities, third sector organisations and community groups articulated a number of opportunities and challenges associated with implementation of the PRs mechanism. They noted that improving community engagement processes was one of the main opportunities emerging from the introduction of the PRs mechanism. Participants of the Community Planning Managers Network meeting offered a number of ways in which this mechanism could improve the process (see Box 1).

Box 1: Opportunities of the PRs mechanism from community planning officials

- to engage ‘seldom heard’ groups (communities of place and communities of interest) and so empower them
- to raise awareness within communities of how to engage and get involved
- to encourage and support the public to engage and influence
- to improve existing community engagement processes
- to talk to new people with the skills and knowledge to improve outcomes
- to build community trust and develop relationships
- for more value – different perspective, improvement, skills, etc.
- for communities to demonstrate how they can contribute to improving outcomes
- to review traditional consultation process
- for communities to work with a wider range of public bodies (not just LA & NHS)
- to change public sector/partners mindset (on language, timing and accessibility)
- for co-production community based assets (people)

Interview respondents from public service authorities, third sector organisations and community organisations mirrored these responses.

Practitioners see the PR mechanism as offering an important role in its potential to contribute to community development. The quote below clearly indicates that the ongoing series of awareness raising and learning seminars about the PRs process is an integrative part of the broader range of activities around community education and strengthening community identity.

"[Supporting communities with PRs] sits with our wider community development support ... working with people on what they want to do as a community organisation, to know what the wider communities are wanting, working with groups to help them to be organised, think about what are they trying to achieve and how."

(Interview with third sector organisation – 3)

One interviewee also emphasised that the process of preparation and submission of PRs provides communities with an opportunity to become more proactive and offer creative suggestions about the delivery of public services.

"I think the participatory openness of PRs will bring out the creativity from communities. It has potential for creative solutions to come forward. To be honest, service-level agreements in the past were quite prescriptive: "...we want this service delivered per X amount per day" ... Whereas with PRs, there is an opportunity for communities for creative practice."

(Interview with third sector organisation – 2)

There is a pronounced expectation that introducing legal rights to community groups could be one of the stepping stones to a culture change in community participation, where the decision-making process about public services engage with communities' voices.

"They are [PR] about culture change and part of that culture change is to do with the way how organisations should respond to communities...culture change which means that organisations are able to speak to communities."

(Interview with a government officer)

However, a number of challenges and concerns about the implementation of the PRs mechanism counterbalance these promising aspirations, at least to some extent. Two main concerns emerged across all data sources, i.e. interviews, survey responses, and submissions to the government consultation:

- 1) a lack of capacity to effectively engage with the process
- 2) a lack of familiarity and understanding of this process.

These two points are relevant to public service authorities, third sector and community organisations, but feature as most prominent and problematic for informal and less organised community groups.

The first concern that all stakeholders express about the lack of capacity to constructively engage with PRs includes two aspects. On the one hand, there is lack of resources and skills across community groups to prepare Participation Requests following the established procedure. For

instance, our research participants expressed the view that the process of submitting a PR is not seen as 'community friendly'. It was described as:

"heavily complicated administrative, tick box exercise, time consuming process which is overly formal."

(CPOs survey 2018, Response -2)

Furthermore, some see the legal terminology and procedural requirements of the PRs process, as described in Part 3 of the Community Empowerment Act, as a barrier for community groups, in particular the less formal and vulnerable ones, to engage with this mechanism.

"Some examples of what would be hard for them: the language that is used in the form, expressing the broader 'outcomes' of their request, for instance, how their request would impact a broader community, environment, etc. Some communities might not have enough skills in terms of writing and using the jargon."

(Interview with third sector organisation – 3)

On the other hand, there is a reported lack of capacity across public service authorities to engage with this mechanism meaningfully. As expressed in responses to the government consultation in 2016:

"Where we are already working with a community body. It is our hope that the formal participation request mechanism would be unnecessary. We currently do not have the capacity or skill mix of staff to support a significant number of new community bodies from within NHS resources."

(Greater Glasgow and Clyde NHS board: submission to the government consultation, 2016)

This concern was reiterated in our survey and in the interview data collected after Part 3 of the CEA came into force in 2017. The introduction of PRs was seen as creating an extra burden on the already scarce resources.

"The Council has been doing so much work informally with our community groups. Right now it [PRs] is a mechanism for difficult people to empower themselves and tie up officer time. It will not involve the average working family who don't have time to make PRs."

(CPOs survey 2018, Response-2)

Finally, community organisations and public sector authorities raised concerns about the unintended consequences resulting from the implementation of the legislation on PRs. As the quotes below demonstrate, stakeholders highlight the possibility of exacerbating existing inequalities within the community sector, as organised and well-resourced community organisations are more likely and better equipped to engage with the current PRs apparatus.

"Communities neither know of nor understand Participation Requests with the majority of the information coming through those organisations already sitting in a position of power."

(CPOs survey 2018, response -9)

“Articulate, active communities use up available support and resources.”

(CPM meeting, April 2017)

“What is not clear now if PRs will help groups without any resources or capacities.”

(Interview with local authority officer - 3)

Secondly, from the data we find that the process of PRs may create tensions between public service authorities (PSAs) and community groups. There is the potential for the application procedure, where PSAs have the power to accept or reject a Participation Request, to enhance the power inequalities between different organisations and sectors. As expressed in the following quote some public authorities may not want to collaboratively engage in PR processes, especially as the latter has the potential to lead to reduction in power or control of particular activities.

“The public sector agencies are happy to have these conversations [PRs] as long as these conversations are about things that they don’t mind handing over. When they [communities] start to want [to] shift this conversation to something more complex, there is a resistance...and then you start to find that their [PSAs] interpretation around certain things can vary a little bit.”

(Interview with third sector organisation - 1)

Moreover, the fact that there is no appeal process was also seen as a factor strengthening this power imbalance between PSAs and community groups in the PRs process.

“There is no right to appeal within PRs (in terms of having a backstop for communities). Obviously, if LAs are not on board with this and not supportive of this, you would not see it come through and also lack of appeal, if there is nothing to force people to do it...”

(Interview with third sector organisation – 2)

4. Suggestions for improving the practice of Participation Requests

In the final section of this report we present some suggestions offered by public service authorities (PSAs) and community organisations on how the Scottish Government and various stakeholders in the PRs mechanism could address challenges around the implementation of the PRs mechanism. A number of the suggestions expressed by our research participants were in relation to an ongoing communication strategy for PRs and to ways in which communities could be supported in preparing and submitting an application.

Communication and awareness raising strategy

The overall message in relation to the communication strategy was that PRs should be promoted as a positive process:

“a process that says YES a lot more than it says no.”

(CPM meeting, April 2017)

It was further made clear that such presentation does not necessarily imply commitment to accept all requests. This approach rather suggests that organisations consider each PR carefully and present a rejected request as an opportunity to continue a dialogue with a community, and possibly extend this engagement beyond PRs via other routes.

Presenting PRs solely as a legal safeguard, that community bodies could invoke only when other mechanisms have not worked could inevitably bring up negative perceptions associated with the failure and/or reluctance of PSAs to engage with communities via other mechanisms. This may negatively affect the whole process from the start.

“If you see it [PR process] as a last resort, often it means that you have already been in conflict with an organisation you are trying to speak to... You’ve got your idea, you’ve got your thing you want to do, but you’ve been blocked, and this is [PR] just another way in. And both sides may view it quite negatively, not as a positive experience to go through.”

(Interview with a government officer)

Research participants emphasised the need to continue awareness raising activities about PRs. The purpose of these activities is to minimise the confusion that some stakeholders still have about the PR mechanism and also address concerns about duplication and potential conflicts between the PRs and other mechanisms of community engagement. One of our interviewees made a specific recommendation to develop a ‘tailored approach’ in a communication and awareness raising campaign to ensure the engagement of less formal and/or more vulnerable community groups.

“A more simple mechanism or at least articulated in a more accessible manner is needed to empower small, less organised, vulnerable groups.”

(Interview with third sector organisation – 3)

Finally, respondents expressed how sharing experiences from submissions of PRs and their outcomes is an important component of the communication and awareness raising strategy. These learning and training activities help to accumulate knowledge and develop practical skills required in preparation and submission of PRs.

“We are doing a bit of support and learning around participation requests as well. This has become the biggest piece of work right now. We are working with community groups and statutory organisations to find out how participation requests are being used. Through supporting community groups in making participation requests we learned a lot about how easy it is for them and what sort of challenges they have.”

(Interview with third sector organisation – 3)

Supporting community groups in the PR process

We found a number of specific suggestions about supporting community groups in the process of preparing and submitting PRs. One recommendation directed at PSAs was to establish a clear first

point of contact to assist communities and advise on the support options available. It was further described as a receptive approach that acknowledges the fact of submission rather than treats the whole process as an extra administrative burden.

“We advertised the fact that there was a pre-application stage, where we are happy to speak to the community body to see whether we could resolve any of their concerns informally and then we’ve got a designated single point of contact.”

(Interview with local authority officer – 1)

Another suggestion was about the creation of a national community resource centre – an independent capacity-building and community-led platform to provide various types of support to communities (including financial support and professional expertise) in preparing participation requests and help communities actively engage on a broader scale.

“What we need [is] a non-governmental community-managed resource. We want to be able to have an organisation to which individual communities can turn to [to] ask for advice...association of community activists or something like that.”

(Interview with community organisation officer – 1)

Finally, our research participants expressed the view that some lessons could be learned from the implementation of other tools of community empowerment. For instance, one example related to the involvement of third sector organisations, i.e. ‘community anchors’, as facilitators for the Asset Transfer Requests (ATRs) process.

“Where there are established organisations involved (anchor organisations), then there will be very limited support required. If it follows the same pattern as asset transfers, so where assets transfers involved, where there is an established anchor organisation, asset transfers happen more easily. There tends to be a strategic approach, they have good roots to the community, they know the needs of a community and are well connected to a wide range of stakeholders.”

(Interview with third sector organisation – 2)

This example illustrates the instrumental role that ‘community anchors’ could also play in supporting communities with PRs and beyond, i.e. navigating communities through the options available for engagement and participation in the design and delivery of public services (Henderson 2015).

Another suggestion emphasised enhancing community groups’ familiarity with PRs and presenting it as one of the mechanisms for community participation (alongside ATRs and Participatory Budgeting). Furthermore, participants of the Community Planning Managers Network meeting suggested employing approaches to promote PRs similar to those used for community Asset Transfer Requests.

Reflections

These research findings raised a number of important questions about the implementation of the PR process¹³.

These questions are:

In relation to reduce inequalities of access across third sector and community groups:

- How can stakeholders and public authorities ensure that awareness raising and experience sharing activities involve 'seldom heard' and 'less visible' community groups?
- Which agencies could ensure the sustainable and continuous support to these communities in preparation of PRs? What could be the role of local equalities groups and communities of identity in this process?
- What formats would be most useful and suitable to involve community groups and organisations from diverse backgrounds?

In relation to ensuring there is a shared interpretation of PRs across organisations (including auditors and the Scottish Government):

- What does successful implementation of PRs look like?
- How can we measure success? Who gets to decide what success looks like?
- What does the ambiguity of perceptions around the PR process imply? Who is responsible for overcoming these early challenges? Can this be overcome?

We offer some reflections on these questions below.

- The provision of legal rights is a fundamental stepping stone in the process of community empowerment. To ensure the uptake of these rights and successful engagement with the aligned mechanisms, especially by less formal and/or vulnerable community groups, a programme of supporting activities is instrumental to mobilise the implementation of these legal provisions. Such a programme could include: 1) a positive promotion strategy; 2) activities to raise awareness among potential users (i.e. what is the PRs process and what does it offer in comparison to other tools for community engagement?); and 3) a range of events focussed on learning and sharing experiences on the preparation and submission of PRs, as well as on the outcome improvement processes that are taking place as a result of PRs. These components have been included in the Government Guidance on Participation Requests (Scottish Government 2017b), and a summary guidance and information briefings developed by the SCDC (Scottish Community Development Centre 2017b). Two issues are relevant to address to further maximise the effectiveness of these guidance. Firstly, some re-emerging concerns around PRs may indicate the need to revise these resources to ensure

¹³ In addition to evaluation criteria developed during the evaluability assessment of Part 3 of the Act (Myers, Geyer, and Craig 2017), these questions could inform the assessment of PRs implementation and the impacts of this legislation.

their relevance to users' experiences with PRs. Secondly, strategies to maximise the visibility and accessibility of materials supporting the implementation of PRs to all stakeholders and, in particular less formal community groups, should be considered.

- Development and organisation of engagement activities should take into account diverse backgrounds and types of community bodies (community councils, community anchor organisations, and more informal community groups) that may want to submit a participation request, and consider accordingly the format of events and the scale and type of support these different community bodies may need. It may also be worthwhile considering the role of more established community organisations in developing such activities and supporting less organised community groups in the PRs process (pre- and post-application).
- The quantitative measure alone (i.e. number of submitted PRs) may not be a sufficient indicator of whether the implementation of the PRs mechanism has been successful or not. The Scottish Government and other interested stakeholders may need to consider the process (how? when? who?) and the outcome (so what?) in order to understand the implementation of Part 3 of the CEA and its contribution to the community empowerment.
- There are differing views and framings of the Participation Requests in terms of a community engagement tool. As such, there is a need to consider how best to measure and report on successful implementation in the future, which needs to go beyond looking at headline numbers of Participation Requests in localities and organisations, to a more holistic understanding of Participation Requests as one tool within a broader range of community engagement and empowerment provisions in each locality and policy field. This is especially the case in instances where stakeholders frame Participation Requests as a last resort. In short, a low number of Participation Requests does not necessarily indicate a low level of community engagement. Similarly, we should not interpret a high number of Participation Requests as an indicator of a high level of community engagement or successful increase in participation in local decision making (as community bodies may be using this legal mechanism if they have been excluded from other areas of decision-making).

The ambiguity in how organisations receive PRs may reflect the ways various stakeholders protect their interests as political actors - by minimising losses and maximising returns resulting from their engagement with the new legislation. In this context, the ambiguity in how organisations perceive the new legislation is inevitable to a certain extent; the question that stakeholders need to consider is how to ensure that this ambiguity does not become the key barrier to the implementation of PRs. The question of how to address these ambiguities and unintended consequences open space for constructive dialogue and collaborative action involving all stakeholders. Importantly, this dialogue should involve the full diversity of the community sector and others working on issues of inequalities and local democracy.

Conclusion

The purpose of this research was to explore initial responses, experiences and emerging practices around Participation Requests (PRs). In particular, we examined how key stakeholders and potential users articulate and frame the challenges and opportunities associated with the Participation Requests processes during the initial implementation stage (2017/2018).

1. We found evidence of ongoing engagement with and interest to the PRs mechanism. However, it is believed that it is still too 'early to say' how PRs contribute to community empowerment.
2. The overall perception of the PRs mechanism is positive. It has been recognised as part of the government strategy to promote community engagement in designing and delivery of public services. However, more in-depth analysis reveals scepticisms and ambiguities in how this mechanism has been perceived by various stakeholders. For instance, on one hand, some public service authorities see PRs as creating an extra burden on scarce resources. Furthermore, there is a perception that if the need to submit PRs appears, it indicates a failure of PSAs to engage successfully with a community through less formal mechanisms. On the other hand, some community organisations are sceptical about the potential of PRs in tackling inequalities within the community sector and beyond.
3. There are a number of positive expectations as well as concerns about PRs. This mechanism is seen as encouraging proactive community involvement in the decision-making process around public services, i.e. how these services are designed and delivered. Concerns about PRs are primarily associated with its implementation. The key challenges are scarce resources and lack of familiarity with the new mechanism across all stakeholders. An indication of reluctance to engage with this new process was also evident in some responses. Enhancing existing inequalities between well-established community organisations and less formal community groups, and creating tensions between public service authorities and community bodies were noted as unintended consequences which could possibly arise in the course of PRs implementation.
4. To address some of these concerns, research participants offered a number of suggestions.
 1. Ensuring there is a positive promotion strategy, and a continuous programme of activities and events around learning and sharing experiences in preparation and submission of PRs.
 2. Developing a tailored approach within this communication strategy to reach 'seldom heard' community groups.
 3. Creating a national community resource centre – an independent capacity-building and community-led platform to support communities with PRs and in other processes of community engagement.
 4. Learning from other processes and tools of community engagement, i.e. Asset Transfers Request and Participatory Budgeting.

Annex 1: Responses to survey questions on Participation Requests (The Second Survey of Community Planning Officials in Scotland, 2018)

1. Are you involved in implementing or supporting Participation Requests? (n = 74)

46% yes (34 people), 54% no (40 people)

2. If so, approximately what percentage of your time/job is dedicated to Participation Requests?

	Frequency	%
0%	23	62%
25%	12	32%
50%	2	5%
Total	37	100.00

3. Do you think that Participation Requests are contributing to the achievement of better outcomes in Community Planning?

	Frequency	%
Yes	2	5%
No	7	16%
Don't know	9	21%
Too early to say	25	58%
Total	43	100.00

4. If you responded yes or no, could you briefly explain why?

1. Not had any yet.
2. PR are not a CPP wide thing they are for each Partner. It is a heavily complicated administrative, tick box exercise, time consuming process which is overly formal. The Council has been doing so much work informally with our community groups. Right now it is a mechanism for difficult people to empower themselves and tie up officer time. It will not involve the average working family who don't have time to make PRs.
3. We have not received a single participation request.
4. Participation Requests are rarely used, regularly rejected, and unknown.
5. Participatory budgeting has been rolled out across East Ayrshire and is led by our Vibrant Communities service.
6. It hasn't happened yet, if any come in, we may well get involved.
7. If organisational and partnership approaches are effective, then Participation Requests merely need to provide a safety net if this isn't the case.
8. Request granted and being taken forward.

9. Communities neither know of nor understand Participation Requests with the majority of the information coming through those organisations already sitting in a position of power.
10. There is only one request that has gone all the way through to the end and the asset is now in community hands. Others are taking a lot of support and the groups and organisations are taking time.
11. Uptake/awareness of participation requests is very limited. It is not jointly addressed by taken forward by public bodies in isolation so is not being addressed within a community planning context.

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